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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Richard KNOX, et al.	:	Confirmation Number: 8594
	:	
Application No.: 10/662,009	:	Group Art Unit: 2162
	:	
Filed: September 11, 2006	:	Examiner: G. Colan
	:	
For: REAL TIME XML DATA UPDATE IDENTIFICATION	:	

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed November 24, 2006, wherein Appellants appeal from the Examiner's rejection of claims 1-11.

**I. REAL PARTY IN INTEREST**

This application is assigned to IBM Corporation by assignment recorded on September 11, 2003, at Reel 014505, Frame 0331.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals and interferences.

### **III. STATUS OF CLAIMS**

Claims 1-11 are pending and finally rejected in this Application. It is from the final rejection of claims 1-11 that this Appeal is taken.

### **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Second Office Action dated August 23, 2006 (hereinafter the Second Office Action).

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Referring to Figures 1 and 2 and also to independent claims 1 and 2, an apparatus and method for identifying an update between a first version of a data file and a second version of a data file is disclosed. The data file 112 has a plurality of blocks 102, 104 of data (page 6, lines 25-26 of Appellants' disclosure), and the meaning of the data file 112 is insensitive to the ordering of the blocks 102, 104 of data within the data file 112 (page 6, lines 29-30). In step 202, each of the plurality of blocks 102, 104 of data is provided with a first checksum 106, 108 (page 8, lines 11-13). In step 204, each of the versions of the data file 112 is provided with a second checksum 110 of the version of the data file 112 as a whole (page 8, lines 13-15), and the second checksum 110 is insensitive to the ordering of the blocks 102, 104 of data within the data file 110 (page 13, line 28 through page 14, line 2). In step 206, the second checksum 112 of the first version of the data file 112 is compared with the second checksum 112 of the second version of the data file 112 (page 8, lines 16-21). In response to a comparison indicating that the second checksum of the first version of the data file differs from the second checksum of the second version of the data file (page 8, lines 21-23), in step 208, the first checksum 106, 108 of

each of the plurality of blocks 102, 104 of data of the first version of the data file 112 is compared with the first checksum 106, 108 of each of the plurality of blocks 102, 104 of data of the second version of the data file 112 (page 8, lines 23-25), and in step 210, an indication is provided of which of the plurality of blocks 102, 104 of data differ between the first version of the data file 112 and the second version of the data file 112 (page 8, line 26 through page 9, line 1).

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-10 were rejected under the second paragraph of 35 U.S.C. § 112;
2. Claims 1, 3, 6, 8, and 11 were rejected under 35 U.S.C. § 103 for obviousness based upon Lai et al., U.S. Patent No. 6,996,585 (hereinafter Lai), in view of Bradshaw et al., U.S. Patent Publication No. 2002/0129042 (hereinafter Bradshaw);
3. Claims 2, 4, 7, and 9 were rejected under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw and further in view of Squibb, U.S. Patent No. 5,479,654; and
4. Claims 5 and 10 were rejected under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw and further in view of Kuznetsov, U.S. Patent Publication No. 2001/0056504.

#### **VII. ARGUMENT**

##### **THE REJECTION OF CLAIMS 1-10 UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112**

For convenience of the Honorable Board in addressing the rejections, claims 2-10 stand or fall together with independent claim 1.

On page 2 of the Request for Reconsideration filed June 9, 2006 (hereinafter the Response), with regard to claims 4-5 and 8-9, Appellants argued that the Examiner failed to establish a prima facie case of indefiniteness under the second paragraph of 35 U.S.C. § 112. As stated in M.P.E.P. § 2173.02:

If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action. (emphasis added).

Moreover, as stated in Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings,<sup>1</sup> "[o]nly when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite." The Examiner, however, has not established an interpretation of the claim in light of the specification or an interpretation of the claim as interpreted by one of ordinary skill in the art. Moreover, the Examiner has failed to set forth any analysis as to why the limitation(s) in the claim does not reasonably define the invention. Without the Examiner clearly defining the alleged problem and why it is a problem in connection with the issue of claim definiteness, Appellants cannot fairly evaluate the Examiner's position.

Notwithstanding the Examiner's failure to establish prima facie case of indefiniteness, Appellants' position is that one having ordinary skill in the art would have no difficulty understanding the scope of claims 4-5 and 8-9, particularly when reasonably interpreted in light of the written description of the specification.<sup>2</sup>

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<sup>1</sup> 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004).

<sup>2</sup> In re Okuzawa, 537 F.2d 545, 190 USPQ 464 (CCPA 1976); In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The Examiner's response to this argument is found on page 12 of the Office Action, in which the Examiner asserts that "[t]he acronyms ... were not defined in the claim." Notwithstanding that the terms were acronyms, the Examiner has not established that these terms are "insolubly ambiguous without a discernible meaning." According to the Federal Circuit, "the purpose of claims is not to explain the technology or how it works, but to state the legal boundaries of the patent grant. Moreover, a claim is not 'indefinite' simply because it is hard to understand when viewed without benefit of the specification."<sup>3</sup>

As to claims 1-2 and 6-7, the Examiner asserted that the terms "insensitive" and "sensitive" were relative. Although Appellants disagree that the Examiner's assertion that the terms "insensitive" and "sensitive" are relative, Appellants submit that the Examiner has failed to establish that one having ordinary skill would not understand the scope of the claimed invention within the meaning of the second paragraph 35 U.S.C. § 112.

The Examiner's response to this argument is again found on page 12 of the Office Action, in which the Examiner simply repeats the Examiner's initial assertion that these terms are "relative." A term being "relative" is not dispositive as to whether or not a particular term is indefinite. For example, the term "flat" is relative, yet Appellants are unaware that this term is universally considered as indefinite within the meaning of the second paragraph 35 U.S.C. § 112. Notwithstanding being a "relative" term is not prima facie evidence of indefiniteness, Appellants respectfully submit that one having ordinary skill in the art would have no difficulty in understanding the scope of these terms when reasonably interpreted in light of the written description of the invention.

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<sup>3</sup> S3 Inc. v. nVIDIA Corp., 59 USPQ2d 1745 (Fed. Cir. 2001).

Referring to page 6, lines 29-30 of Appellants' disclosure, it is stated that "[t]he data blocks 102, 104 comprise data in which the physical order of the data blocks is not meaningful" (i.e., not sensitive to the physical order of the data blocks). Dictionary definitions of the terms insensitive and sensitive are respectively as follows:

1 a : not responsive or susceptible.<sup>4</sup>

3 : highly responsive or susceptible.<sup>5</sup>

Therefore, for the second checksum to be "insensitive to the ordering of the blocks," this means that the second checksum is not responsive (i.e., doesn't change) based upon the ordering of the blocks. Given the clear and unambiguous meanings of these terms, Appellants are unclear as to how the Examiner can maintain that these terms are indefinite so as to be "insolubly ambiguous without a discernible meaning."

**THE REJECTION OF CLAIMS 1, 3, 6, 8, AND 11 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON LAI IN VIEW OF BRADSHAW**

For convenience of the Honorable Board in addressing the rejections, claims 3, 6, 8, and 11 stand or fall together with independent claim 1.

On pages 2 and 3 of the Response, Appellants presented the following arguments with regard to claim 1. The Examiner cited column 3, lines 45-47 of Lai to teach the claimed "the meaning of the data file being insensitive to the ordering of the blocks of data with the data file"

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<sup>4</sup> <http://www.m-w.com/dictionary/insensitive>.

<sup>5</sup> <http://www.m-w.com/dictionary/sensitive>

and "the second checksum being insensitive to the ordering of the blocks of data with the data field." Moreover, in footnote 1, the Examiner asserted:

Regarding the ordering of the blocks claimed, examiner interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can be located even though it is not in a specified order in the directory (Col. 3, lines 45-47, Lai). This makes Lai's procedure insensitive to the ordering of the files.

Appellants respectfully submit that the Examiner's logic is flawed. The "meaning of the data file" and the "second checksum" are both being described in the claims as "insensitive to the ordering of the blocks of data with the data file." The Examiner, however, only asserts that "Lai's procedure insensitive to the ordering of the file," which does not correspond to either of the claimed limitations. Therefore, the Examiner has failed to establish that Lai discloses those limitations recited in claim 1 for which the Examiner relies upon Lai to teach.

The Examiner addressed this argument in two locations in the Second Office Action, the first being in the second footnote found on page 5 of the Second Office Action, in which the Examiner included the additional language of:

Wherein Fig. 4 clearly shows different blocks of data, such as, "410, 420, ... 430", "415, 425, ..., and 435", and further "block 601, 602, ..., and 603". It is clear that for example "410, 420, ... 430" does not follow the same ordering as "601, 602, ... and 603". This feature of Lai's disclosure show how the second checksum is not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering as claimed.

The Examiner also addressed this argument in the paragraph spanning pages 12 and 13 of the Second Office Action, in which the Examiner asserted:

Examiner respectfully disagrees. The applied reference does disclose the limitation: second checksum being insensitive to the ordering of the blocks of data within the data file (Col. 2, lines 60 - 65, Lai). As stated in office action dated 03/02/2006, examiner interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can be located even though it is not in a specified order in the directory (Col. 3, lines 45 - 47, Lai). Furthermore, Lai provides details regarding the ordering of the blocks of the data within the data file (Fig. 4, Col. 3, lines 23 - 34, Lai). Wherein Fig. 4 clearly shows different blocks of data, such as, "410, 420, ... 430", "415, 425, ..., and 435", and further "block 601, 602, ..., and 603". It is clear that for example "410, 420, . . . 430" does not follow the same ordering as "601, 602, ..., and 603". This



feature of Lai's disclosure show how the second checksum is not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering as claimed.

This paragraph, however, is a merely a restatement of the arguments found in the second footnote on page 5 of the Second Office Action, in which the only new language is found in the first passage reproduced above.

Turning to the additional language cited by the Examiner in the second footnote, Appellants note that the Examiner also cited column 3, lines 23-34 and 45-47 of Lai, which for ease of reference, are reproduced below:

FIG. 4 is a schematic diagram illustrating the process of calculating the checksum of a file. First, the content of the file is divided into several regions 410, 420, . . . , 430. The corresponding contents in these regions are calculated by XOR, thus a sample region 500 is obtained. For example, the contents 415, 425, . . . , and 435 are calculated by XOR.

Then, the sample contents with offset 3 (the predetermined offset) in the sample region are summed into three sub-checksum values 162, 218 and 472 (block 601, 602, and 603) respectively. Finally, these sub-checksum values are combined to obtain the checksum "162-218-472" (block 700). (column 3, lines 23-34)

When an online file needs to track its version information, the checksum of the online file is calculated in real time. The data directory is searched according to the checksum, the filename, and the size of the online file. (column 3, lines 44-47)

Upon reviewing these passages, Appellants are unable to discover any teachings that support a finding that the claimed "the meaning of the data file being insensitive to the ordering of the blocks of data with the data file" and "the second checksum being insensitive to the ordering of the blocks of data with the data field" is identically disclosed by Lai. Lai neither describes ordering of the blocks of data or how that order affects the corresponding checksum.

Moreover, Appellants are entirely unclear as the Examiner's logic which states that because 410, 420, 430 does not follow the same ordering as 601, 602, 603 (shown in Fig 4), "the second checksum is not based on the ordering of the blocks of data within the data file." For the checksum (either the sub-checksum values of 162, 218 and 472 or the checksum "162-218-472")

to be insensitive to the ordering of the blocks of data, then the same checksum values would have to be obtained regardless of the order of the blocks of data. As readily apparent, the checksum of "162-218-472" would not be insensitive if blocks 601, 602, 603 were instead ordered 602, 603, 601 because the resulting checksum would be "218-472-162." As to the sub-checksum values of 162, 218 and 472, Lai is silent as to whether or not these checksum values would be the same if a different order of the individual blocks were used. Thus, the Examiner has still failed to establish that Lai identically discloses the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

On pages 4 and 5 of the Response, Appellants also addressed the secondary reference of Bradshaw and the Examiner's asserted motivation to modify Lai in view of Bradshaw. Specifically, Appellants noted that on page 5 of the Second Office Action, the Examiner asserts in footnote 3 that "the checksum disclosed on this citation corresponds to the second checksum claimed." and in footnote 5 that "the new checksum corresponds to first checksum claimed." The "new checksum" disclosed by Bradshaw does not correspond the claimed first checksum (i.e., each of a plurality of blocks of data is provided with a first checksum). Instead, the "new checksum" is calculated "from the data contained in the node currently being processed and comparing it with the checksum read from that node." The "checksum read from that node" is the same checksum that the Examiner identified as the second checksum. Therefore, it is readily apparent that the first and second checksums identified by the Examiner in Bradshaw do not correspond to the claimed first and second checksums.

On page 13 of the Second Office Action, the Examiner responded to these arguments by asserting the following

Examiner respectfully disagrees. See response to argument 4) discussed in this office action above. The combination of Lai in view of Bradshaw discloses the limitations of claim 1. Specifically, Lai teaches the first checksum and second checksum (See - 35 U.S.C. 103 rejection of claim 1 as stated in office action dated 03/02/2006, and in this office action above). The applied prior art Bradshaw has been applied to comparing checksums of the versions of the data files. Therefore, The combination of Lai in view of Bradshaw discloses the limitations of claim 1.

The Examiner is relying upon Bradshaw to address the failure of Lai to teach specific features. Moreover, as asserted in footnotes 3 and 5, the Examiner is relying upon certain of the checksums described by Bradshaw as being comparable to the claimed checksums, and thus, the checksums that the Examiner is asserting are disclosed by Bradshaw. However, Appellants have asserted that these checksums are not comparable. Thus, the teachings regarding the checksums in Bradshaw are not necessarily applicable to the checksums, as claimed, or the checksums taught by Lai.

Appellants also argued in the Response that the Examiner's cited motivation to combine (i.e., paragraph [0012], lines 1-6) would not have motivated one having ordinary skill in the art to modify Lai in view of Bradshaw. The paragraph cited by the Examiner is nothing more than a statement of "need" found in the Background section of Bradshaw. The Examiner has both failed to establish that this "need" is provided by Bradshaw and that this "need" is provided by the specific features identified by the Examiner as missing in Lai. To establish a reasonable expectation of success exists of obtaining particular benefit based upon a particular modification, the Examiner must show a nexus between the proposed modification and the proposed benefit. A nexus between the benefit and modification, however, has not been established by the Examiner.

On pages 14 and 15 of the Second Office Action, the Examiner responded to these arguments by asserting the following

Examiner respectfully disagrees. According to MPEP § 2142, to establish prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The prior art discloses a suggestion for combining the references (Lai and Bradshaw).

As suggested by Bradshaw (Page 2, [0012] and [0013], lines 1 - 6 and 1 - 5; respectively, Bradshaw), skilled artisan would have been motivated to make such combination; to save in-progress information in the event [sic] of a process or system failure and to reduce the amount of downtime resulting from such failures; and to enable the preservation and recovery of in progress developments and changes as they are made in a system for development of content in the event of a process or system failure. Second, there must be a reasonable expectation of success. The prior art suggests a successful outcome of this combination, such as, to reduce the amount of data and process time lost as a result of process or system failure. Third, both of the references (Lai and Bradshaw) teach features that are directed to the same industry field of database management systems, such as, checksums calculations, and versioning of data files. This close relation between both of the references highly suggests an expectation of success. Therefore, the combination of Lai in view of Bradshaw discloses all the claim limitations disclosed in the claimed invention (see - citations of claims 1 - 11 above).

These comments by the Examiner, however, do not address Appellants' arguments, which is that the Examiner has failed to establish a nexus between the asserted benefits and the proposed modification. Bradshaw is self-described as a method and apparatus for recovery of in-progress changes made in a software application, which fits the Examiner's asserted benefits. However, the Examiner has failed to establish how these benefits flow from the specific modifications to Lai allegedly suggested by Bradshaw.

Therefore, for the reasons stated above, not only has the Examiner failed to establish a proper motivation to modify Lai in view of Bradshaw, even if one having ordinary skill in the art were motivated to modify Lai in view of Bradshaw in the manner suggested by the Examiner, the claimed invention would not result because the combination of Lai in view of Bradshaw fails to teach or suggest all the claimed limitations recited in independent claims 1 and 6. Thus, Appellants respectfully submit that the imposed rejection of claims 1, 3, 6, 8, 9, and 11 under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw is not viable.

**THE REJECTION OF CLAIMS 2, 4, 7, AND 9 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS  
BASED UPON LAI IN VIEW OF BRADSHAW AND SQUIBB**

For convenience of the Honorable Board in addressing the rejections, claims 2, 4, 7, and 9 stand or fall together with independent claim 1.

Claims 2, 4, 7, and 9 depend from independent claims 1 and 6, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 6 under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw. The tertiary reference to Squibb does not cure the argued deficiencies of the combination of Lai and Bradshaw. Accordingly, the proposed combination of references would not yield the claimed invention. Moreover, as with the prior rejection, the Examiner has failed to establish a proper motivation to combine because the Examiner has failed to establish a nexus between the proposed modification and the asserted benefit associated with that modification. Although the Examiner attempted to address this issue on pages 15 and 16 of the Second Office Action, the Examiner has failed to establish how the asserted benefits flow from the specific modifications to Lai allegedly suggested by Bradshaw and Squibb. Appellants, therefore, respectfully submit that the imposed rejection of claims 2, 4, 7, and 9 under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw and Squibb is not viable.

**THE REJECTION OF CLAIMS 5 AND 10 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED  
UPON LAI IN VIEW OF BRADSHAW AND KUZNETSOV**

For convenience of the Honorable Board in addressing the rejections, claims 5 and 10

stand or fall together with independent claim 1.

Claims 5 and 10 respectively depend from independent claims 1 and 6, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 6 under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw. The tertiary reference to Kuznetsov does not cure the argued deficiencies of the combination of Lai and Bradshaw. Accordingly, the proposed combination of references would not yield the claimed invention. Moreover, as with the prior rejections, the Examiner has failed to establish a proper motivation to combine because the Examiner has failed to establish a nexus between the proposed modification and the asserted benefit associated with that modification. Although the Examiner attempted to address this issue on pages 16 and 17 of the Second Office Action, the Examiner has failed to establish how the asserted benefits flow from the specific modifications to Lai allegedly suggested by Bradshaw and Kuznetsov. Appellants, therefore, respectfully submit that the imposed rejection of claims 1 and 5 under 35 U.S.C. § 103 for obviousness based upon Lai in view of Bradshaw and Kuznetsov is not viable.

#### Conclusion

Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. §§ 103, 112 are not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 103, 112.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in

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connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: January 24, 2007

Respectfully submitted,

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\_\_\_\_\_  
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### **VIII. CLAIMS APPENDIX**

1. A method of identifying an update between a first version of a data file and a second version of a data file, the data file having a plurality of blocks of data, the meaning of the data file being insensitive to the ordering of the blocks of data within the data file, the method comprising the steps of:

providing each of said plurality of blocks of data with a first checksum;

providing each of said versions of the data file with a second checksum of the said version of the data file as a whole, said second checksum being insensitive to the ordering of the blocks of data within the data file;

comparing the second checksum of the first version of the data file with the second checksum of the second version of the data file;

responsive to said comparison indicating that the second checksum of the first version of the data file differs from the second checksum of the second version of the data file:

comparing the first checksum of each of said plurality of blocks of data of the first version of the data file with the first checksum of each of said plurality of blocks of data of the second version of the data file; and

providing an indication of which of said plurality of blocks of data differ between the first version of the data file and the second version of the data file.

2. A method as claimed in claim 1 wherein said first checksum is sensitive to the ordering of the data within a block of data.



3. A method as claimed in claim 1 wherein at least one of the blocks of data consists of a plurality of components and each of said plurality of components further comprises a third checksum.

4. A method as claimed in claim 3 further comprising the steps of:  
selecting said third checksum from one of MD5 or a CRC algorithm; and  
combining said third checksum to provide said first checksum for each of the blocks of data using one of a 1-s complement sum or an XOR algorithm.

5. A method as claimed in claim 1 wherein the data file is an XML data file and said step of comparing is performed using an XSL Transform.

6. Apparatus for identifying an update between a first version of a data file and a second version of a data file, the data file having a plurality of blocks of data, the meaning of the data file being insensitive to the ordering of the blocks of data within the data file, the apparatus comprising:

first checksum generating means for generating a first checksum for each of said plurality of blocks of data;

second checksum generating means for generating a second checksum for each of said first and said second versions of the data file as a whole, said second checksum being insensitive to the ordering of the blocks of data within the data file;

first comparison means for comparing the second checksum of the first version of the data file with the second checksum of the second version of the data file;

second comparison means for comparing the first checksum of each of said plurality of blocks of data of the first version of the data file with the first checksum of each of said plurality of blocks of data of the second version of the data file, the second comparison means being responsive to said first comparison means indicating that the second checksum of the first version of the data file differs from the second checksum of the second version of the data file;

indication means providing an indication of which of said plurality of blocks of data differ between the first version of the data file and the second version of the data file.

7. Apparatus as claimed in claim 6 wherein said first checksum is sensitive to the ordering of the data within a block of data.

8. Apparatus as claimed in claim 6 wherein at least one of the blocks of data consists of a plurality of components and each of said plurality of components further comprises a third checksum.

9. Apparatus as claimed in claim 6 wherein:

the third checksum is one of MD5 or a CRC algorithm; and

further comprising:

means for combining said third checksum to provide said first checksum for each of the blocks of data using one of a 1-s complement sum or an XOR algorithm.

10. Apparatus as claimed in claim 6 wherein the data file is an XML data file and said step of comparing is performed using an XSL Transform.

11. A computer program comprising computer program code means adapted to perform the steps of claim 1.

**IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

**X. RELATED PROCEEDINGS APPENDIX**

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.